

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION) MDL No. 1456
)
) Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO:)
ALL CLASS ACTIONS) Judge Patti B. Saris
)
)
)

**SCHERING-PLOUGH CORPORATION'S AND WARRICK PHARMACEUTICALS
CORPORATION'S MOTION FOR LEAVE TO FILE UNDER SEAL**

Defendants Schering-Plough Corporation (“Schering”) and Warrick Pharmaceuticals Corporation (“Warrick”), by their attorneys, hereby move this Court for leave to file the following documents under seal:

- Declaration of Eric P. Christofferson Transmitting Documents Relied upon in Schering’s and Warrick’s Memorandum in Opposition to Plaintiffs’ Motion for Partial Summary Judgment Against All Track 1 Defendants; and
- Declaration of Eric P. Christofferson Transmitting Documents Relied upon in Track 1 Defendants’ Memorandum in Opposition to Class Plaintiffs’ Motion for Partial Summary Judgment on Defendants’ Affirmative Defenses.

Pursuant to the Protective Order entered by this Court on December 13, 2002 (the “Protective Order”) both the parties in the above captioned case and non-party witnesses have designated many documents and other information produced in this litigation as either “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” The submissions described above incorporate documents containing information that has been designated “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” Specifically, they include references to documents and testimony that defendants and non-party witnesses deem highly proprietary in nature. Pursuant

to paragraph 15 of the Protective Order, any document or pleading containing quotes from or otherwise referencing such information shall be filed under seal.

Redacted versions of each of the documents described above will be filed publicly.

WHEREFORE, Schering and Warrick respectfully request that the motion for leave to file the aforementioned submissions under seal be GRANTED.

Schering-Plough Corporation and
Warrick Pharmaceuticals Corporation

By their attorneys,

/s/ Eric P. Christofferson

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Dated: April 7, 2006

CERTIFICATE OF COMPLIANCE WITH LR. 7.1

I hereby certify that counsel for Schering and Warrick attempted to confer with counsel for Plaintiffs in a good faith effort to resolve or narrow the issues set forth herein.

/s/ Eric P. Christofferson
Eric P. Christofferson

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2006, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Eric P. Christofferson
Eric P. Christofferson